

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADINA MCCOLLOUGH, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

No. 16-CV-03777

SMARTE CARTE, INC.,

Defendant.

**DEFENDANT SMARTE CARTE, INC.'S UNOPPOSED MOTION TO ADJUST
BRIEFING SCHEDULE ON MOTION TO DISMISS**

As and for its unopposed motion to adjust the briefing schedule on its Rule 12(b)(1) and 12(b)(6) Motion to Dismiss (“Motion to Dismiss”) [D.E. 11], Defendant Smarte Carte, Inc. (“Smarte Carte”) states as follows:

1. The Court previously entered a briefing schedule on the Motion to Dismiss requiring Plaintiff Adina McCollough (“Plaintiff”) to file a response by June 13 and Smarte Carte to file a reply by June 27, 2016. [D.E. 15.]

2. On June 13, 2016, Plaintiff filed a motion for leave to file an enlarged response to the Motion to Dismiss, and noticed her motion for June 21, 2016. [D.E. 18.]

3. As reflected in her motion, Smarte Carte does not oppose Plaintiff’s motion on the condition that it receive the same number of additional pages, if needed, for its reply.

4. However, because Plaintiff’s response was due by June 13, 2016, the time for Smarte Carte to file its reply (currently due by June 27, 2016, which is only three (3) days after the presentment date for Plaintiff’s motion) should be recalculated from the date the response is actually filed at whatever page length acceptable to the Court.

5. While it previously requested only fourteen (14) days to reply, Smarte Carte requests twenty-one (21) days from the actual filing of Plaintiff's response in light of the upcoming and intervening July 4th holiday.

6. Counsel for Smarte Carte has conferred with Plaintiff's counsel who advised that Plaintiff does not oppose such adjustment to the briefing schedule.

WHEREFORE, Smarte Carte respectfully requests the Court to grant this opposed motion and enter an order providing twenty-one (21) days to file its reply in support of the Motion to Dismiss from the actual filing date of Plaintiff's response.

Dated: June 15, 2016

Respectively submitted,

SMARTE CARTE, INC.

By: /s/ Joseph A. Strubbe

Joseph A. Strubbe
Frederic T. Knape
VEDDER PRICE P.C.
222 N. LaSalle Street
Chicago, IL 60601-1003
312/609-7500
jstrubbe@vedderprice.com
fknape@vedderprice.com

Counsel for Smarte Carte, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing **Defendant Smarte Carte Inc.'s Unopposed Motion to Adjust Briefing Schedule on Motion to Dismiss** was electronically filed with the Clerk of Court on June 15, 2016 using the CM/ECF system that will send notification of the filing to all parties of record.

By: /s/ Joseph A. Strubbe